

60.520 TYPE II REVIEW PROCEDURE:

Following acceptance of an application subject to the Type II Procedure, the planning staff shall, within three (3) days, transmit one copy of the application, or appropriate parts of the application, to each referral agency for review and comment. If the referral agency does not comment within seven (7) days, unless an extension of up to seven (7) days is requested by the agency and granted by the zoning administrator, the referral agency shall be presumed to have no comment. The zoning administrator shall also mail a Notice of Proposed Action to all persons designated to receive notice by the relevant section of this ordinance, pursuant to the requirements of Section [60.630](#). The notice shall contain a synopsis of the development, instructions on where to obtain additional information, and shall advise notified persons of their right to request a public hearing before the Commission by written petition.

- 60.521 The zoning administrator shall review any information received under paragraph 60.504 and make a decision within twenty (20) days on the application by issuing a preliminary approval or denial of the application.
- 60.522 Following the preliminary decision on the application, the zoning administrator shall prepare a notice of action as required by 60.507, and shall transmit a copy to the Commission at their next regularly scheduled meeting. Written requests for public hearings received from persons receiving a notice of proposed action shall also be included in the transmittal to the Commission.
- 60.523 Any person who has received a notice of proposed action may request a hearing to be held on the proposed development. Requests for a hearing shall be filed with the zoning administrator in writing within 10 days from the date of the notice of proposed action and shall state the reasons for requesting the hearing. Persons requesting a hearing shall pay a fee, as set by resolution of the Council, to cover the cost of said hearing. Within 5 days of receipt of the request for hearing, the zoning administrator shall schedule a hearing before the Commission pursuant to the requirements of section [60.600](#).
- 60.524 If a request for a hearing has not been submitted, the Commission may either uphold the decision of the zoning administrator without a de novo hearing, or may conduct a public hearing to consider upholding or reversing the preliminary decision of the zoning administrator. If a de novo hearing is to be held, notice shall be sent to all property owners who have land within 500 feet of, and to at least 50 property owners closest to, the parcel under consideration. In deciding whether to hold a public hearing, the Commission need not receive any oral testimony; its decision may be based solely on the written materials before it.
- 60.525 If a preliminary decision of the zoning administrator is not scheduled for review, or following a scheduled review by the Commission, the zoning administrator shall dispose of the development permit in the manner provided for by paragraph 60.506. If there are any changes to the preliminary notice of action, the zoning administrator shall make such change or transmit a revised copy to the applicant.
- 60.526 The Commission shall take action by majority vote of its members present when the hearing was held, within 25 days of the close of the hearing, unless an extension is agreed to by the applicant.

